

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09-cr-217**

UNITED STATES OF AMERICA,

Vs.

JARED JEFFRIES.

)
)
)
)
)
)
)
)
)
)
)

ORDER

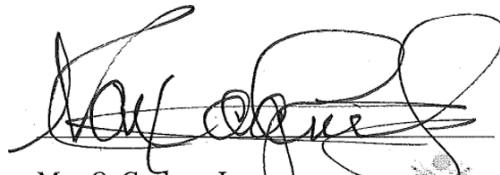
THIS MATTER is before the court on defendant's Motion to Dismiss Indictment (#22). While the motion became ripe when defendant filed his Reply (#27) on April 1, 2011, review of the Reply reveals that the key issue raised by defendant in this action is pending before the Court of Appeals for the Fourth Circuit in United States v. Simmons, No. 08-4475 (4th Cir. 2011), which will be reheard *en banc* May 11, 2011. This court has already continued sentencing of defendant based on the pendency of such appeal. Text Order, 4/4/2011.

The court will, therefore, stay consideration of the defendant's Motion to Dismiss Indictment pending decision of the appellate court in Simmons. When decision issues in Simmons, respective counsel shall, either in a joint filing or independently, promptly file a notice of decision, annex thereto a copy of the decision in Simmons, and propose what further action should be taken in this matter in light of such decision.

ORDER

IT IS, THEREFORE, ORDERED that consideration of defendant's Motion to Dismiss Indictment (#22) is **STAYED** pending decision of the Court of Appeals for the Fourth Circuit in United States v. Simmons, supra.

Signed: April 22, 2011



Max O. Cogburn Jr.
United States District Judge